

STECKLER LLP

MAZIN A. SBAITI, ESQ.
Mazin@StecklerLaw.com

January 8, 2016

VIA ECF

The Honorable Analisa Torres
Daniel Patrick Moynihan
United States Courthouse
Courtroom 15D
500 Pearl St.
New York, NY 10007-1312

**Re: *Gemini Master Fund, Ltd. et al v. Oxysure Systems, Inc.*, Cause No. 1:15-cv-09546-AT
*Defendant's First Request for Extension of Time to Respond to Motion for Temporary Injunction***

Dear Judge Torres:

Defendant Oxysure Systems, Inc. respectfully requests additional time to respond to the pending Motion for Temporary Injunction. Specifically, we request until next Friday, January 15, 2016, to file our response. As already discussed, undersigned did not receive service of this motion until January 4, 2015—the same day that Counsel made his appearance in this case. Counsel for the Plaintiffs has said he emailed the motion to me on December 21, but I have no records of such email (and in any event, email is not proper service). He also claims my office received the documents on December 31, 2015. While they may have been dropped off that day at our building, our law offices were closed that day and I was on vacation for Christmas and New Years holidays from December 23, 2015 through January 4, 2015. Plus, when the Preliminary Injunction motion was filed, I had not yet appeared and was thus not on the ECF system to even receive the filing.

This is our first request for an extension of time to respond to the motion. Counsel for the Plaintiffs has not consented despite repeated requests—while he did finally agree to extend to January 12, 2015, inexplicably three days less than the extension we requested, this again is insufficient time given undersigned counsel's previous scheduling conflicts—and three more days will not prejudice Plaintiffs. Undersigned notes that this is not a TRO setting, but a Preliminary

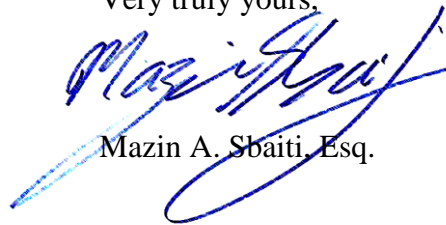
January 8, 2016
Page 2

Injunction setting. Thus, there is no allegation of immediate irreparable harm that requires such a hasty and expedited motion and hearing.

This extension need not impact any pending hearing dates, but may impact Plaintiffs' reply deadline. We propose the following revised scheduling Order:

- Plaintiffs will file their Motion for Preliminary Injunction by December 30, 2015.
- Defendants will file their opposition to the Motion for Preliminary Injunction by January 15, 2016.
- Plaintiffs will file their Reply by January 19, 2016.
- The Court will hold a preliminary injunction hearing in Courtroom 15D on January 21, 2016, at 3:00 PM.

Very truly yours,



Mazin A. Sbaiti, Esq.

CC: Thomas Fleming